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**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

IN RE: **GE Wind Energy Water System**
 Water System No. 1502697

TO: Dominic Durham, Interim EHS Manager
 GE Wind Energy
 13000 Jameson Road
 Tehachapi, CA 93561

BY REGISTERED MAIL

**CITATION FOR NONCOMPLIANCE -- Water System No. 1502697
TOTAL COLIFORM MCL VIOLATION -- August 2011
Citation No. 03-19-13C-017**

Issued on March 18, 2013

STATEMENT OF FACTS

GE Wind Energy Water System (hereinafter Water System) is classified as a non-transient non-community water system and serves a population of approximately 49 persons through 2 service connections. The Water System has one (1) active source of supply, Well 01 (PS Code: 1502697-001) and a 250,000-gallon storage tank. No treatment is provided to the well water. The Water System operates under the authority of a domestic water supply permit No. 2697, issued on August 2, 1988, by the Kern County Environmental Health Services Department. A new domestic water supply permit will be issued by the Department, to document the changes that have occurred since issuance of the original permit.

The Southern California Drinking Water Field Operations Branch, Division of Drinking Water and Environmental Management, California Department of Public

1 Health (hereinafter "Department") is responsible for enforcing the Safe Drinking
2 Water Act and regulations promulgated pursuant thereto.

- 3
- 4 • The GE Wind Energy Water System (hereinafter Water System) is required to
- 5 collect two (2) routine bacteriological samples per month. Please refer to the
- 6 Water System's approved Bacteriological Sample Siting Plan (BSSP) or Table
- 7 64423-A.
- 8 • Two (2) routine bacteriological quality samples collected on August 10, 2011,
- 9 from the distribution system, tested positive for total coliform bacteria.
- 10 • All four (4) repeat bacteriological quality samples collected on August 12,
- 11 2011, from the distribution system, tested negative for total coliform bacteria.
- 12 • One (1) Ground Water Rule trigger source sample collected on August 12,
- 13 2011, from Well 01 tested negative for total coliform bacteria.
- 14 • None of the bacteriological quality samples, collected in August 2011, from the
- 15 distribution system or the system well, tested positive for *E.coli* bacteria.
- 16 • **GE Wind Energy Water System failed the total coliform maximum**
- 17 **contaminant level (MCL) for August 2011 [Section 64426.1(b)(2),**
- 18 ***Authorities*].**
- 19 • On August 11, 2011, Steve White of skOO'kum h₂O Monitoring Inc., the
- 20 Water System's contract sampler and distribution operator, notified the
- 21 Department that the Water System failed the total coliform MCL for August
- 22 2011.
- 23 • On August 15, 2011, public notification of the total coliform MCL failure was
- 24 completed by the Water System.
- 25 • On August 31, 2011, the Department received signed and dated copies of the
- 26 public notice and Proof of Notification from the Water System.
- 27

- 1 • Upon review of the Water System's file, the Department staff learned that there
2 was no completed investigation report on file for the August 2011 total
3 coliform MCL failure.
- 4 • On February 14, 2013, an investigation report was emailed to the Water
5 System for the August 2011 total coliform MCL failure.
- 6 • On March 15, 2013, the Department received a completed investigation report
7 in response to the August 2011 total coliform MCL failure.
- 8 • According to the investigation report, a damaged vacuum pressure break valve
9 may have caused the total coliform positive samples. The valve was replaced
10 with an approved backflow prevention assembly. Also, according to the
11 investigation report, the Water System does not have a cross-connection
12 control program. The Water System is required to have a cross-connection
13 control program to comply with Title 17, Cross-Connection Control
14 regulations. As part of the implementation of the program, the Water System
15 is required to have a physical survey done by a trained cross-connection control
16 specialist and implement the recommendations.
- 17 • The Department notes that according to the total coliform public notice (issued
18 on August 15, 2011) for the August 2011 total coliform MCL failure, a
19 possible cause of contamination may be the tank access port (hatch) which had
20 corroded and was unable to be sealed securely.
- 21 • It is not clear from the investigation report whether or not the Water System
22 made the necessary repairs to the tank hatch.
- 23 • The Water System provided emergency disinfection and flushing to clear
24 bacteriological contamination from the distribution system.
- 25 • Five (5) routine samples collected on September 13, 2011, from the
26 distribution system, tested negative for total coliform bacteria.
- 27

- All routine distribution and well bacteriological quality samples collected from October 2011 through January 2013 tested negative for total coliform bacteria.
- All bacteriological results collected from January 2011 to January 2013 are summarized in **Attachment A**.

AUTHORITIES

Section 116577 of the CHSC, states in relevant part:

"(a) Each public water system shall reimburse the department for the actual costs incurred by the department for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

...

(b) The department shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the department. The costs set forth in the invoice shall not exceed the total actual costs to the department of the enforcement activities specified in this section."...

Section 116650 of the California Health and Safety Code (hereinafter CHSC), states in relevant part:

"(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by registered mail.

(b) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.

(c) For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public water system fails to correct a violation within the time specified in the citation, the department may assess a civil penalty as specified in subdivision (e).

(d) For a noncontinuing violation of primary drinking standards, the department may assess in the citation a civil penalty as specified in subdivision (e).

(e) Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The department shall specify the classification in the citation and may assess civil penalties for each classification as follows:

(1) For violation of a primary drinking standard, an amount not to exceed one thousand dollars (\$1,000) per day for each day that the violation occurred, including each day that the violation continues beyond the date specified for correction in the citation or order.

(2) For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.

(3) For failure to comply with any citation or order issued for noncompliance with any department regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation."

Section 116655 of the CHSC, states in relevant part:

"(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the department.
- (3) Directing that appropriate preventative action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (2) That purification or treatment works be installed."

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

"(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Department or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Department by the end of the business day on which this is determined, unless the determination occurs after the Department

1 office is closed, in which case the supplier shall notify the Department within 24 hours of the
2 determination. The water supplier shall also notify the consumers served by the water system. A Tier 2
3 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A
4 Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section
5 64463.1."

6 DETERMINATIONS

7 Based upon the above Statement of Facts and Authorities, the Department determines
8 that the Water System has violated the following:

- 9 1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated
10 the total coliform MCL for August 2011 when more than one sample collected
11 in August 2011 tested positive for total coliform bacteria.

12 The above violation is classified as a non-continuing violation.

13 DIRECTIVES

14 GE Wind Energy Water System is hereby directed to take the following actions:

- 15 1. Cease and desist from failing to comply with Section 116555(a) of the
16 California Health and Safety Code (CHSC) and Section 64426.1(b)(2) of Title
17 22, California Code of Regulations (CCR).
18
19 2. The Water System shall protect the public water supply from contamination by
20 implementation of a cross-connection control program. The program, or any
21 portion thereof, may be implemented directly by the water supplier or by means
22 of a contract with the local health agency, or with another agency approved by
23 the health agency. The water supplier's cross-connection control program shall
24 for the purpose of addressing the requirements of Title 17, Sections 7585
25 through 7605 include, but not be limited to, the following elements:
26
27

- 1
- 2 (a) The adoption of operating rules or ordinances to implement the cross-
- 3 connection program.
- 4 (b) The conducting of surveys to identify water user premises where cross-
- 5 connections are likely to occur,
- 6 (c) The provisions of backflow protection by the water user at the user's
- 7 connection or within the user's premises or both,
- 8 (d) The provision of at least one person trained in cross-connection control
- 9 to carry out the cross-connection program,
- 10 (e) The establishment of a procedure or system for testing backflow
- 11 preventers, and
- 12 (f) The maintenance of records of locations, tests, and repairs of backflow
- 13 preventers.
- 14 3. All backflow prevention assemblies that have been installed, shall be tested
- 15 within 30 days after installation and annually thereafter. By **May 31, 2013**, the
- 16 Water System shall have a physical survey conducted by a certified cross-
- 17 connection control specialist. Within 30 days of conducting a physical survey,
- 18 the Water System shall submit a report of the findings to the Department along
- 19 with the time schedule to implement the recommendations.
- 20
- 21 4. By **April 30, 2013**, the Water System shall notify the Department of the status
- 22 of repairs that were needed to the hatch of the storage tank (discussion in the
- 23 August 2011 total coliform failure public notice).
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5. Notify the Department within five business days of the date of service of this Citation if the deadlines established by this Citation will not be met and explain, in writing, the reason(s) for delay(s).

6. The Water System shall reimburse the Department, in accordance with an invoice that shall be provided to the Water System, the costs for enforcement activities, and such reimbursement shall be made prior to September 1 (or by a different date specified by the Department) of the fiscal year following the fiscal year in which such costs are incurred as described in CHSC Section 116577(a)(1-2) and 116577(b).

7. Any document requested by the citation shall be submitted to the following address:

Jaswinder S. Dhaliwal, P.E., Senior Sanitary Engineer
 Department of Public Health
 Southern California Branch
 Drinking Water Field Operations
 4925 Commerce Drive, Suite 120
 Bakersfield, CA 93309
 Phone: (661) 335-7315
 Fax: (661) 335-7316

FURTHER ENFORCEMENT ACTIONS

Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the Department to: issue additional citations with assessment of penalties if the public water system continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with orders of the Department; and petition the superior court to take various enforcement

1 measures against a public water system that has failed to comply with orders of the
2 Department. The Department does not waive any further enforcement action by
3 issuance of this citation.

4
5 **PARTIES BOUND**

6 This citation shall apply to and be binding upon GE Wind Energy Water System, its
7 officers, directors, agents, employees, contractors, successors, and assignees.

8
9 **SEVERABILITY**

10 The directives of this citation are severable, and GE Wind Energy Water System shall
11 comply with each and every provision thereof, notwithstanding the effectiveness of
12 any other provision.

13
14 **CIVIL PENALTY**

15 Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil
16 penalty for the failure to comply with the requirements of the Safe Drinking Water
17 Act. Failure to comply with any Directive of this Citation may result in the
18 Department imposing an administrative penalty of not less than \$200 (two hundred
19 dollars)for each day that the violation continues beyond the date set for correction in
20 this Citation.

The Department does not waive any further enforcement action by issuance of this citation, and expressly reserves the right to issue a citation with penalties for the violations on which the Directives of this citation are based.

March 18, 2013
Date

Jaswinder S. Dhaliwal
Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
Tehachapi District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Attachments

Attachment A: Bacteriological Summary January 2011 to January 2013

cc: Kern County Environmental Health Services Department (w/o attachments)
skOO'kum h2o Monitoring, Inc.

JSD/an/kre

Attachment A

GE Wind Energy

1502697

Distribution System Freq: 2/M

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	CI2	Violation	Comment
1/26/2011	9:00	1ROU/NORTH	A	A		Routine			
1/26/2011	9:12	1ROU/SOUTH	A	A		Routine			
2/9/2011	9:32	1ROU/NORTH	A	A		Routine			
2/9/2011	9:45	2ROU/SOUTH	A	A		Routine			
3/2/2011	9:00	1ROU/SOUTH	A	A		Routine			
3/2/2011	9:15	1ROU/NORTH	A	A		Routine			
4/6/2011	9:00	1ROU/NORTH	A	A		Routine			
4/6/2011	9:30	1ROU/SOUTH	A	A		Routine			
5/9/2011	12:55	1ROU/NORTH	A	A		Routine			
5/9/2011	13:10	1ROU/SOUTH	P	A		Routine			
5/12/2011	13:15	1REP1	A	A		Repeat			
5/12/2011	13:20	1REP2	A	A		Repeat			
5/12/2011	13:30	1REP4	A	A		Repeat			
6/6/2011	10:40	2ROU/SOUTH	A	A		Routine			
6/6/2011	10:48	1ROU/NORTH	A	A		Routine			
6/6/2011	10:55	3ROU/SOUTH	A	A		Routine			
6/6/2011	11:05	4ROU/NORTH	A	A		Routine			
6/6/2011	11:15	5ROU/SOUTH	A	A		Routine			
7/12/2011	10:20	1ROU/NORTH	A	A		Routine			
7/12/2011	10:40	1ROU/SOUTH	A	A		Routine			
8/10/2011	12:45	1ROU/NORTH	P	A		Routine			
8/10/2011	13:00	1ROU/SOUTH	P	A		Routine		MCL	Cit #03-19-13C-017 issued.
8/12/2011	10:05	1REP1	A	A		Repeat			
8/12/2011	10:15	1REP2	A	A		Repeat			
8/12/2011	10:25	STORAGE TANK	A	A		Repeat			
8/12/2011	10:35	1REP3	A	A		Repeat			
8/12/2011	10:45	1REP5	A	A		Repeat			
9/13/2011	8:50	5ROU	A	A		Routine			
9/13/2011	9:05	4ROU	A	A		Routine			
9/13/2011	9:10	3ROU	A	A		Routine			
9/13/2011	9:20	2ROU	A	A		Routine			
9/13/2011	9:30	1ROU	A	A		Routine			
10/12/2011	9:00	1ROU/NORTH	A	A		Routine			
10/12/2011	9:15	1ROU/SOUTH	A	A		Routine			
11/15/2011	11:25	1ROU/NORTH	A	A		Routine			
11/15/2011	11:40	1ROU/SOUTH	A	A		Routine			

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
12/8/2011	9:20	1ROU/NORTH	A	A		Routine			
12/8/2011	9:40	1ROU/SOUTH	A	A		Routine			
1/19/2012	9:00	1ROU/NORTH	A	A		Routine			
1/19/2012	9:20	1ROU/SOUTH	A	A		Routine			
2/16/2012	9:00	1ROU/NORTH	A	A		Routine			
2/16/2012	9:15	1ROU/SOUTH	A	A		Routine			
3/13/2012	9:10	1ROU/NORTH	A	A		Routine			
3/13/2012	9:25	1ROU/SOUTH	A	A		Routine			
4/9/2012	16:30	1ROU/NORTH	A	A		Other			INVESTIGATIVE AFTER REPAIR
4/9/2012	16:45	1ROU/SOUTH	A	A		Other			INVESTIGATIVE AFTER REPAIR
4/9/2012	16:55	1ROU/NORTH	A	A		Other			INVESTIGATIVE AFTER REPAIR
4/9/2012	17:10	1ROU/SOUTH	A	A		Other			INVESTIGATIVE AFTER REPAIR
4/9/2012	17:25	1ROU/NORTH	A	A		Other			INVESTIGATIVE AFTER REPAIR
4/25/2012	14:45	1ROU/NORTH	A	A		Routine			
4/25/2012	15:00	1ROU/SOUTH	A	A		Routine			
5/8/2012	12:00	1ROU/NORTH	A	A		Routine			
5/8/2012	12:15	1ROU/SOUTH	A	A		Routine			
6/21/2012		1ROU/NORTH	A	A		Routine			
6/21/2012		1ROU/SOUTH	A	A		Routine			
7/19/2012	10:30	1ROU/NORTH	A	A		Routine			
7/19/2012	10:45	1ROU/SOUTH	A	A		Routine			
8/13/2012	12:30	1ROU/NORTH	A	A		Routine			
8/13/2012	12:45	1ROU/SOUTH	A	A		Routine			
9/20/2012	10:30	1ROU/NORTH	A	A		Routine			
9/20/2012	11:15	1ROU/SOUTH	A	A		Routine			
10/8/2012	12:10	1ROU/SOUTH	A	A		Routine			
10/8/2012	12:36	1ROU/NORTH	A	A		Routine			
11/19/2012	10:05	1ROU/NORTH	A	A		Routine			
11/19/2012	10:20	1ROU/SOUTH	A	A		Routine			
12/6/2012	9:30	1ROU/NORTH	A	A		Routine			
12/6/2012	9:40	1ROU/SOUTH	A	A		Routine			
1/9/2013	11:45	1ROU/NORTH	A	A		Routine			
1/9/2013	12:00	1ROU/SOUTH	A	A		Routine			

GE Wind Energy

1502697

Source Monitoring Freq:

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
5/12/2011	13:40	WELL #1	A	A			
8/12/2011	11:00	WELL #1	A	A			
